

Appl. No. 09/839,365
Amendment dated: October 9, 2003
Reply to OA of: July 11, 2003

REMARKS

Applicants have amended the specification and claims in order to more particularly define the invention taking into consideration the outstanding Official Action and a detailed review of the application. Applicants most respectfully submit that the detailed amendments to the specification and claims are fully supported by the application as originally filed as would be appreciated by one of ordinary skill in the art to which the invention pertains.

In this regard, please note that the amendment to claim 1 and the corresponding amendments in the specification correct obvious errors which would be fully appreciated by one of ordinary skill in the art to which the invention pertains. These obvious errors relate to the number of substituents bonded to one nitrogen atom which was shown as "2" instead of the correct "3" since the nitrogen compound is coordinated to a metal, M. Support for this amendment can be found in the specification as originally filed, see page 7, lines 17-21 on page 8, lines 12-17 and the compounds of formulae (VIII), (IX), (X), (XI), (XII) and (XIII) synthesized in Examples 1 to 6.

Also the substituents (R₁ to R₈) and metal (M) of the compound of formula (I) have been further limited to distinguish the compound of formula (I) from the compounds disclosed in the cited references. Support for this amendment can be located in the original specification, i.e., page 8, line 22 to page 9, line 5 and page 10, lines 17 to 18, and the compounds of formulae (VIII), (IX), (X), (XI), (XII) and (XIII) synthesized in Examples 1 to 6. For example, C₁₋₆ hydroxyalkyl for R₃ to R₈ is supported by formulae (X) and (XIII), and a condensed aromatic ring containing two nitrogen atoms for R₃ to R₈ is supported by formulae (VIII), (IX), (XI) and (XII).

Accordingly, applicants most respectfully submit that the amendments to the specification and claims do not introduce new matter into the application but merely clarify and correct obvious errors as would be appreciated by one of ordinary skill in the art to which the invention pertains and is fully supported by the specification, including

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working examples as would be interpreted by one of ordinary skill in the art to which the invention pertains.

Applicants appreciate acknowledgement that the application contains allowable subject matter and it is believed that the amendments to the claims simply clarify the allowable subject matter and further distinguish the claimed subject matter over the prior art. Claims 3 to 5 clearly remain allowable and it is believed that all the claims now present in the application are allowable over the prior art and are in full compliance with 35 U.S.C. § 112.

The rejection of claims 2 and 6-8 under 35 U.S.C. § 112, second paragraph as indefinite has been carefully considered but is most respectfully traversed in view of the amendment to the claims, note in particular the amendments to claims 1 and 2 to overcome this rejection. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1 and 2 is anticipated by the Das et al. reference and the additional three rejections of claim 1 as anticipated by three additional references all have been carefully considered but are most respectfully traversed in view of the amendments to the claims.

In this regard, the examiner's attention is directed to the fact that claim 1 has been amended to further limit the substituents and metal of the compound of formula (I) within the scope supported by Examples 1 to 6, so as not to overlap with the compounds disclosed in the prior art references cited by the Examiner. Further, a claim covering the compounds synthesized in Examples 1 to 6 has been newly added as claim 9.

At the same time, it is noted that in the compound of formula (I) of claim 1, the substituents which are bonded to one nitrogen have been rectified to become "three", i.e., the combination of R₃, R₄ and R₇, or of R₅, R₆ and R₈, as set forth in the above amendments. Accordingly, it is most respectfully requested that these rejections be withdrawn.

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In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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